



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,047	09/26/2003	Larry A. Lincoln	6555/53784	8061

30505 7590 03/28/2006

LAW OFFICE OF MARK J. SPOLYAR
2200 CESAR CHAVEZ STREET
SUITE 8
SAN FRANCISCO, CA 94124

EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/673,047	Applicant(s) LINCOLN ET AL.	
	Examiner Sheila B. Smith	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-13,15,16,18,20,21,23-30,35-45,48,50,52 and 54 is/are rejected.
- 7) ☒ Claim(s) 2-6,14,17,19,22,31-34,46,47,49,51,53 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 7-13,15,16,18,20,21,23-30,35-45,48,50,52,54 are rejected under 35

U.S.C. 102(e) as being anticipated by Calvert (U.S. Patent Number 6,526,275).

Regarding claim 1, Calvert discloses essentially all the claimed invention as set forth in the instant application, further Calvert discloses a network linking method using information embedded in data objects that have inherent noise. In addition Calvert discloses a method for receiving promotional messages comprising: capturing an image of a message carrier on a display screen (209); processing the image to acquire a message code from the message carrier (205); transmitting the message code to a remote system (215); and receiving a promotional message based on the transmitted message code (which reads on column 9 lines 35-67).

Regarding claim 7, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the remote system comprises a remote server having a database containing promotional messages (which reads on column 9 lines 35-67).

Regarding claim 8, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the promotional message comprises an electronic coupon that can be used at a point-of-sale terminal (which reads on column 9 lines 35-67)

Regarding claim 9,10, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is transmitted to the remote (which reads on column 9 lines 35-67)

Regarding claim 11, 12, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the promotional message is received over a wireless network (which reads on column 9 lines 35-67).

Regarding claim 13, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message carrier comprises: an identifying g border; and the message code (which reads on column 9 lines 35-67).

Regarding claim 15, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose message code is formed using a plurality of blocks (which reads on column 3 lines 10-67).

Regarding claim 16, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code comprises text codes, graphical symbols, or an alphanumeric string (which reads on column 3 lines 10-67).

Regarding claim 18, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is formed using a vertical strip design (which reads on column 3 lines 10-67).

Regarding claim 20, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose a method for pushing promotional messages to users comprising: displaying a message carrier on a display screen (209); receive a message code from a user, wherein the message code was acquired from the message carrier (205); and pushing a

Art Unit: 2681

promotional message to the user based on the received message code (which reads on column 3 lines 35-67).

Regarding claim 21, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message carrier comprises: an identifying border; and the message code (which reads on column 3 lines 10-67).

Regarding claim 23, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is formed using a plurality of blocks (which reads on column 3 lines 10-67).

Regarding claim 24, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is formed using a plurality of text codes (which reads on paragraph 0148-0150).

Regarding claim 25, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is formed using a plurality of graphical symbols (which reads on column 3 lines 10-67).

Regarding claim 26, 27, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is received over a wireless network (which reads on column 3 lines 10-67).

Regarding claim 28, 29, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the promotional message is pushed over a wireless network (which reads on column 3 lines 10-67).

Regarding claim 30, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose a apparatus for receiving promotional messages comprising: a

Art Unit: 2681

display (209); a digital image capturing device (213); a wireless communication system (200); a processor (205); a memory (207); and a client application. physically stored in the memory, for receiving promotional messages (which reads on column 3 lines 10-67), comprising instructions operable to cause the processor and the wireless communication system to: capture an image of a message carrier using the digital image capturing device (which reads on column 6 lines 19-40); process the image to acquire a message code from the message carrier; transmit the message code to a remote system using the wireless communication system' and receive a promotional message using the wireless communication system based on the transmitted message code (which reads on column 3 lines 10-67).

Regarding claim 35, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the remote system comprises a remote server having a database containing promotional messages (which reads on column 3 lines 10-67).

Regarding claim 36, 37, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is transmitted to the remote System over a Wireless network (which reads on column 3 lines 10-67).

Regarding claim 38, 39, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the promotional message is received over a wireless network (which reads on column 3 lines 10-67).

Regarding claim 40, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message carrier comprises: an identifying g border; and the message code (which reads on column 3 lines 10-67).

Regarding claim 41, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is formed using a plurality of blocks (which reads on column 3 lines 10-67).

Regarding claim 42, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code comprises text codes, graphical symbols, or an alphanumeric string (which reads on column 3 lines 10-67).

Regarding claim 43, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is formed using a checkerboard-like design (which reads on column 3 lines 10-67).

Regarding claim 44, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the message code is formed using a vertical strip design (which reads on column 3 lines 10-67).

Regarding claim 45, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose the identifying border is over-sized to increase the probability that a column of pixels will pass through the entire border (which reads on paragraph 0338).

Regarding claim 48, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose receiving promotional messages comprising: a display (209); a digital image capturing device (213); a wireless communication system (200); a processor (205); a memory (207); and a client application. physically stored in the memory, for receiving promotional messages (which reads on column 3 lines 10-67), comprising instructions operable to cause the processor and the wireless communication system to: capture an image of a message carrier using the digital image capturing device; transmit the image to an image processing

Art Unit: 2681

system using the wireless receive a message code from the image processing system based on the communication system (which reads on column 6 lines 41-67); transmitted image; transmit the message code to a promotional message system using the wireless communication system; and receive a promotional message from the promotional message system based on the transmitted message code (which reads on column 3 lines 10-67).

Regarding claim 50, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose receiving promotional messages comprising: a display (209); a digital image capturing device (213); a wireless communication system (200); a processor (205); a memory (207); and a client application. physically stored in the memory, for receiving promotional messages (which reads on column 3 lines 10-67), comprising instructions operable to cause the processor and the wireless communication system to: capture an image of a message carrier using the digital image capturing device; transmit the image to a remote system using the wireless communication system; and receive a promotional message from the remote system based on the transmitted image (which reads on column 3 lines 10-67).

Regarding claim 52, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose physically stored on a machine-readable medium. for receiving promotional messages, comprising instructions operable to cause a programmable processor to: capture an image of a message carrier using the digital image capturing device; process the image to acquire a message code from the message carrier transmit the message code to a remote system using the wireless communication system; and receive a promotional message using the wireless communication system based on the transmitted message code (which reads on column 3 lines 10-67).

Regarding claim 54, Calvert discloses everything claimed, as applied above (see claim 1) additionally, Calvert disclose means for capturing an image of a message carrier on a display screen; means for processing the image to acquire a message code from the message carrier; means for transmitting the message code to a remote system; and means for receiving a promotional message based on the transmitted message code (which reads on column 3 lines 10-67).

Allowable Subject Matter

2. Claims 2-6,14,17,19,22,31-34,46,47,49,51,53,55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2681

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith

March 19, 2006



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER